ACQUISITION PERSONNEL TRAINING

SBA, Market Research and YOU

Or

“WHERE DOES IT SAY I HAVE TO DO THAT?”

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SBA AUTHORITY

- 13 CFR 121- Size
- 13 CFR 124 – 8(a)/SDB
- 13 CFR 125 – Government Contracting Programs
- 13 CFR 126 – HUBZone Program
- FAR – particularly Chapter 19
- Numerous **Public Laws**

SBA AUTHORITY

- Small Business Act (**Public Law** 85-536, as amended):

  2(a)..”it is the declared policy of the Congress that the Government should aid, counsel, assist and protect, insofar as is possible, the interest of small business concerns…”

  2(b)(1)..”it is the declared policy of the Congress that the Federal Government, **THROUGH** the Small Business Administration…”

SBA AUTHORITY

- Small Business Act (Public Law 85-536, as amended):

  - 15(g)(1)…”The President shall annually establish Government-wide goals for procurement contracts awarded to small business concerns, small business concerns owned and controlled by service-disabled veterans, qualified HUBZone concerns, SDB concerns, WOSB concerns…”

  - “Not withstanding the Government-wide goal, each agency shall have an annual goal…”

STRUCTURE OF SBA

- **District Offices cover counties**

- Programs include:
  - Loan Program
  - 8(a) Program…Business Opportunity Specialists
    --SDB Certification information
    --HUBZONE Certification information
  - Business Development
  - SCORE

STRUCTURE OF SBA

- **Area/Regional Offices cover states**

- Programs include:
  - Prime Contracting Program…PCRs
  - Subcontracting Program…CMRs
  - Size Program
  - Certificate of Competency

STRUCTURE OF SBA

- Website

  www.sba.gov

--click on “state” for District Offices

--link to Area/Regional Offices is directly underneath map

--Home Page…”Business Opportunities”

Examples: CCR-Pro-Net, NAICS etc.

SBA AREA OFFICES

- **Area 1** – CT, MA, ME, NH, NJ, NY, RI, VT, Puerto Rico and The Virgin Islands
- **Area 2** – DC, DE, MD, PA, VA, WV
- **Area 3** – AL, FL, GA, KY, MS, NC, SC, TN
- **Area 4** – IN, IA, IL, KS, MI, MN, MO, ND, NE, OH, SD, WI
- **Area 5** – AR,CO,LA,NM,OK,TX
- **Area 6** – AK, AZ, CA, HI, ID, MT, NV, OR, UT, WA, WY and Guam

Procurement Center Representatives

- SBA Procurement Analysts…GS 1102s… Civil Servants
- Located at Major Acquisition Activities
- Additional installation/agency coverages
- Types of PCRs
  --Traditional
  --Virtual
  --Dual Duty…also perform duties of a CMR

PCR RESPONSIBILITIES FAR 19.4, 19.5

- Coordinate and interface with Federal buying offices **through** the Small Business Specialists. Implement Small Business policies and programs to increase Small Business opportunities.

- Review any proposed acquisition > $10,000 that ***IS NOT*** setaside for Small Business; evaluate Market Research; add sources.

- Recommend alternative procurement strategies

- Counsel Small Businesses – seek qualified sources; provide marketing information for firm to market effectively to SBS, etc.

- Provide training for all procurement personnel

- Attend and take part in procurement conferences/outreach,etc.

PCR RESPONSIBILITIES
FAR 19.4, 19.5

- Attend Acquisition Strategy Panels
  - early involvement; bundling
- Review Subcontracting Plans
  - report to Congress on Unacceptable Plans
- Conduct Surveillance Reviews at covered installations
- Have authority to appeal acquisitions to the Contracting Officer, HCA and Secretarial level
  - when recommended sources are not solicited
  - when setaside recommendations are refused by the CO
    --SBA Form 70 (to CO)
    --SBA Form 1970 (to SBA Headquarters)

ORDER OF PREFERENCE

- FAR 8.603 – FPI and JWOD
- GSA
- 8(a) and 8(a)s in HUBZones
- HUBZone Competition
- HUBZone Sole Source
- Small Business Setaside
- Full and Open
- Sole Source

Small Business Competitiveness Demonstration Program

- Obtain without the use of Small Business Setasides - P.L.100-656

- FAR 19.1004

Designated industry groups (DIGs)

- Construction
- Non-nuclear Ship Building and Repair
- Architectural and Engineering Services (including surveying and mapping)
- Refuse Systems and Related Services

Small Business Competitiveness Demonstration Program

- FAR 19.1007 – PROCEDURES
- (a) – General (NAICS and face of award document information)
- (b) (2) Acquisitions in the designated industry groups must continue to be considered for placement under the 8(a) Program and the HUBZone Program…see subpart 19.8 and subpart 19.13)

Market Research

- FAR Part 7: "Agencies **shall**…conduct market research for all acquisitions…"
- FAR Part 10: "Agencies **shall**… conduct market research appropriate to the circumstances,…and use market research to…"
- FAR Part 11: "Agencies **shall** specify needs using market research…"

Market Research

- FAR 19.800(e) – “Before deciding to set aside an acquisition in accordance with Subpart 19.5 or 19.13, the contracting officer should review the acquisition for offering under the 8(a) Program.”
- FAR 19.1305(a)….”shall set aside acquisitions exceeding the simplified acquisition threshold for competition restricted to HUBZone….The contracting officer shall consider HUBZone set-asides before considering HUBZone sole source awards or small business set-asides.”

MARKET RESEARCH

- CCR and Pro-Net merged
- www.ccr.gov
- Dynamic Small Business Search
- Input into the 8(a), SDB and HUBZone sections can ONLY be accomplished by SBA Central Office upon ***formal*** SBA certification; **DO NOT RELY ON CCR FOR THIS INFORMATION… check under "DSBS"**

Market Research

- State (ex: construction)
- 8(a)
- NAICS Code
- Search – gives list of ALL
- Print out first page
- Use “back” key and use a KEY WORD that best identifies your particular procurement. This narrows your search.
- Print out
- Do market research on each profile or repeat using another KEY WORD
- Attach to 2579

- HUBZone
- NAICS Code
- Search – gives list of ALL
- Print out first page
- Use “back” key and use a KEY WORD that best identifies your particular procurement. This narrows your search.
- Print out
- Do market research on each profile or repeat using another KEY WORD
- Attach to 2579

PCR Coordination

- **NOT** required on:
  - FPI or JWOD
  - GSA
  - 8(a)
  - HUBZone
  - Small Business Setasides

Copies may be requested for PCR files

Certificate of Competency FAR 19.6

- COC Program applicable to **ALL** Government acquisitions
- Contracting Officer determines a Small Business non-responsible in certain area
- Send to appropriate **SBA Area Office**
- Certificate issued by SBA if Small Business is found responsible for area in question
- SBA **must** be informed when a Small Business is determined to be non-responsible

Certificate of Competency FAR 19.6

- FAR 19.601
- Areas of non-responsibility:
- …capability…competency… capacity… credit…integrity… perseverance…tenacity… limitations on subcontracting

Size Status Determinations FAR 19.3

- **ALL challenges/questions concerning size status shall be referred to the SBA…WHETHER TIMELY OR NOT**!!!
- **Send to SBA Area Office** – Government Contracting Division, for the geographical region where the firm's principal office is located
- **ONLY SBA can dismiss size protests**
- **Awards are not to be made to a LB under a Small Business Setaside!!!!!**